

**TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY**

**Minutes of**

**REGULAR MEETING**

**March 23, 2011**

**7:30 PM**

**Call to Order**

The meeting was called to order by Mr. Bailey - Chairman, at 7:42 p.m.

**Attendance**

Members of the Agency (the “Members”) in attendance were:

Lamont R. Bailey

Christopher A. Gioia arrived at 7:50pm

Howard Weitzman

Rodney A. Caines

Jeffrey M. Greilsheimer

Agency staff present consisted of:

Dermot F. Kelly, Acting Executive Director

Joseph Santamaria, Assistant Director/Project Manager

Patrice P. Allen, Administrative Assistant

Andrew M. Hyman, In-house Counsel

**Minutes of Meeting Held on December 20, 2011**

Upon the motions of Mr. Caines, seconded by Mr. Bailey, the minutes of the meeting held December 20, 2010 were accepted.

**Minutes of Meeting Held on January 19, 2011**

Upon the motions of Mr. Bailey, seconded by Mr. Caines, the minutes of the meeting held January 19, 2011 were accepted, with Mr. Caines abstaining from voting due to his absence from that meeting.

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#### **Acting Executive Director's Report**

The Acting Executive Director's Report consisted of the following:

##### *Community Development Block Grant ("CDBG") Program*

The CDBG 36th Program Year subrecipient agreement with Nassau County (the "County") and the Town of North Hempstead (the "Town") in the amount of \$1,063,000 is being routed for signature. The Agency still awaits the signed agreement. A public hearing on the 37th Program Year application was held on March 21, 2011. The C.D.A. staff of four (4) and one (1) representative of Unified New Cassel Community Revitalization Corporation attended the public hearing. The Nassau County Office of Community Development ("OCD") 37th Program Year application is due on April 1, 2011.

##### *Operations:*

Copies of the chart of accounts balance from OCD, monthly bank statements and the Agency's reconciliation were given to the Members for review.

##### *Cash Balances:*

- Citibank –Lump Sum Account - \$165,000.00
- State Bank of Long Island - Program Income Account - \$397,465.00
- Citibank –Escrow Account - \$50,000.00
- County Office of Community Development- \$ 2,860,000.00

##### *New Cassel Urban Renewal Plan*

*Site A* - A grant agreement for a master plan for retail spaces was returned executed to the Agency by Bluestone. Bluestone is seeking and reviewing quotes that will assist with zoning, a

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traffic study and architectural design to target and market the vacant retail space to prospective tenants.

*Site B & C* - The building superintendent and a total of 35 residential tenants have moved onto the sites.

*Site B -* The supermarket, Tony and Eddie LLC, have received their notice of denial from the BZA and will apply for their conditional use permit. A meeting took place on March 3, 2011, with Supervisor Kaiman, Planning and Environmental Protection Commission Michael Levine, CDA Staff, Bank of New York representatives and the attorney for Tony and Eddie LLC to discuss the requirements for getting all the documents together for the BZA Agenda scheduled for April 20, 2011, to obtain the conditional use permit and certificate of occupancy for the supermarket.

*Site D* - This site is still in a work out with The Bank of New York Mellon (“BONY Mellon”). There has not been any recent progress in the work. The Agency awaits documentation from the developer regarding changes to the land disposition agreement that were discussed with the Board in July 2010.

*Site H (Pilot Project)* – Two purchasers have been approved for the seven two-family residential condominium units. The financial assistance to the owner that the CDA Board approved for forty eight thousand (\$48,000.00) per unit will be dispersed at closing.

The Town Building Department has reviewed all signage permit documentation from the Nu Cassel Pharmacy, pending approval with the New York State Board of Pharmacy.

*Prospect Avenue Parking Area – 706 and 714 Prospect Avenue* – The Town of North Hempstead (the “Town”) has requested that Standard Valuation Services appraise the property so that the Town may consider accepting a conveyance of the property for its present value from the CDA. The Agency still holds title, and wishes to transfer the properties to the Town.

*Prospect Avenue Streetscape Redesign and Reconstruction* – This Town project is 95% complete. Crosswalks will be painted and landscaping planted in the Spring of 2011.

*Community Center* – The project is scheduled to be completed in 2012.

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*Site E* – On March 14, 2011 a Pre- Proposals Conference took place at Town Hall. The due date for the proposals has been extended from April 21, 2011 to May 12, 2011. The Town is considering a zoning change to match the rest of the properties to a zero (0) lot line.

*215 Brooklyn Avenue* – A Phase 2 environmental site assessment has been completed.

*335 Rose Place* – The vesting order has been issued to the Agency. One part of the unit is vacant. A notice has been served to the tenants residing in the home,

Upon the motion of Mr. Bailey, duly seconded by the Board, the Acting Executive Director's Report, to the extent of the Members' knowledge of the events referred to, was accepted and approved unanimously.

**For Consideration**

**RESOLUTION NO. 7 (2011)**

**A RESOLUTION AUTHORIZING SUBMISSION OF THE AGENCY'S 37<sup>TH</sup>  
PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION.**

**WHEREAS**, the Town of North Hempstead Community Development Agency (the "Agency") is a member of the Nassau County Community Development Block Grant ("CDBG") Consortium, and wishes to apply for an allocation of 37<sup>th</sup> Program Year CDBG Funds (the "Allocation"); and

**WHEREAS**, to apply for and receive the Allocation (the "Application"), it is required that the Agency seek public comment at a public hearing on its Application (the "Public Hearing"); and

**WHEREAS**, on March 21, 2011, the Agency held the Public Hearing.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members hereby authorize the Agency to submit the Application; and be it further

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**RESOLVED**, that the Acting Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Gioia, duly seconded by Mr. Greilsheimer, the resolution was unanimously adopted.

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**RESOLUTION NO. 8 (2011)**

**A RESOLUTION AUTHORIZING SUBMISSION OF A HOME INVESTMENT  
PARTNERSHIP PROGRAM APPLICATION.**

**WHEREAS**, the Town of North Hempstead Community Development Agency (the “Agency”) wishes to apply for HOME Investment Partnership Program funds (the “Application”); and

**WHEREAS**, the members of the Agency (the “Members”) wish to authorize Agency staff to prepare and submit the Application.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members hereby authorize the Agency to prepare and submit the Application; and be it further

**RESOLVED**, that the Acting Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Gioia, duly seconded by Mr. Caines, the resolution was unanimously adopted.

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**RESOLUTION NO. 9 (2011) (Amended)**

**A RESOLUTION AMENDING THE BY-LAWS OF THE AGENCY.**

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**WHEREAS**, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires changes to the by-laws of the Town of North Hempstead Community Development Agency (the “Agency”), as set forth in certain materials presented at this meeting (the “Amendments”); and

**WHEREAS**, the members of the Agency (the “Members”) wish to adopt the Amendments.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Members hereby adopt the Amendments; and be it further

**RESOLVED**, that the Acting Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Weitzman, duly seconded by Mr. Gioia, the resolution was unanimously adopted.

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**RESOLUTION NO. 10 (2011) (Amended)**

**A RESOLUTION SELECTING THE CHIEF FINANCIAL OFFICER OF THE AGENCY.**

**WHEREAS**, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, and Section 5 E of Article II of the By-Laws of the Town of North Hempstead Community Development Agency (the “Agency”) require the members of the Agency(the “Members”) to appoint a Chief Financial Officer of the Agency; and

**WHEREAS**, the Members wish to appoint Joseph Santamaria as the Chief Financial Officer of the Agency.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Members hereby appoint Joseph Santamaria as the Chief Financial Officer of the Agency; and be it further

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**RESOLVED**, that the Acting Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and take such other action as may be necessary to effectuate the foregoing.

Upon the resolution of Mr. Weitzman, duly seconded by Mr. Caines, the resolution was unanimously adopted.

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**RESOLUTION NO. 11 (2011) (Amended)**

**A RESOLUTION REVIEWING AND ACCEPTING A MISSION STATEMENT AND PERFORMANCE MEASUREMENT REPORT FOR THE AGENCY.**

**WHEREAS**, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, and Section 2 (3) of Article V of the By-laws of the Town of North Hempstead Community Development Agency (the "Agency") requires the members of the Agency (the "Members") to annually review and accept a Mission Statement and Performance Measurement Report (the "Mission Statement"); and

**WHEREAS**, staff of the Agency have composed the Mission Statement included with the materials presented at this meeting; and

**WHEREAS**, the Members have reviewed and wish to accept the Mission Statement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members hereby accept the Mission Statement; and be it further

**RESOLVED**, that the Members hereby authorize the Acting Executive Director to file the Mission Statement with the Chief Executive Officer of the Agency, the Chief Financial Officer of the Agency, the New York State Authorities Budget Office, and the Supervisor of the Town of North Hempstead, and to take such other action as may be necessary to effectuate the foregoing.

Upon the resolution of Mr. Greilsheimer, duly seconded by Mr. Gioia, the resolution was unanimously adopted.

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**RESOLUTION NO. 12 (2011)**

**A RESOLUTION REVIEWING AND ACCEPTING A PROCUREMENT  
POLICY OF THE AGENCY.**

**WHEREAS**, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to annually review and accept a Procurement Policy (the “Policy”); and

**WHEREAS**, staff of the Agency have composed the Policy included with the materials presented at this meeting; and

**WHEREAS**, the Members have reviewed and wish to accept the Policy.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members hereby accept the Policy; and be it further

**RESOLVED**, that the Members hereby authorize the Acting Executive Director to post the Policy on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the resolution of Mr. Weitzman, duly seconded by Mr. Caines, the resolution was unanimously adopted.

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**RESOLUTION NO. 13 (2011)**

**A RESOLUTION REVIEWING AND ACCEPTING THE INVESTMENT  
POLICY OF THE AGENCY.**

**WHEREAS**, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to annually review and accept an Investment Policy (the “Policy”); and

**WHEREAS**, staff of the Agency have composed the Policy included with the materials presented at this meeting; and

**WHEREAS**, the Members have reviewed and wish to accept the Policy.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members hereby accept the Policy; and be it further

**RESOLVED**, that the Members hereby authorize the Acting Executive Director to post the Policy on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the resolution of Mr. Weitzman, duly seconded by Mr. Caines, the resolution was unanimously adopted.

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**Convening of Executive Session**

Upon the motion of Mr. Weitzman, duly seconded by Mr. Caines, the Members adjourned the public meeting and convened in Executive Session to discuss a personnel matter.

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**Resumption of Public Session; For Additional Consideration**

The following additional resolution was considered:

**RESOLUTION NO. 14 (2011) (Amended)**

**A RESOLUTION AUTHORIZING AN EXTENSION OF MEDICAL INSURANCE BENEFITS.**

**WHEREAS**, in response to his indictment by a Grand Jury of Nassau County (the “Indictment”) and his decision to decline to appear before a representative of the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to respond to questions concerning the Indictment and defend and explain his actions in connection therewith, Neville G. Mullings, the Executive Director of the Agency, has been suspended by the Members without salary and benefits, except as set forth below; and

**WHEREAS**, by Resolution No. 41 (2010), duly adopted at their meeting held on August 26, 2010, the Members voted to continue to pay the health insurance premiums for Mr. Mullings’s participation in the Agency’s health insurance plan (the “Insurance Plan Participation”) for a period of six (6) months (the “First Semi-Annual Period”), at which time the Members would reconsider their decision to continue Insurance Plan Participation, provided however, that if Mr. Mullings either was found guilty or pleaded guilty to any or all of the charges set forth in the Indictment (the “Charges”), Insurance Plan Participation would be terminated as soon as practicable, and provided further, however, that if Mr. Mullings were found innocent of the Charges or the Charges were dismissed during the Semi-Annual Period, then Insurance Plan Participation would be continued pending Member consideration of Mr. Mullings’s reinstatement as Executive Director; and

**WHEREAS**, pursuant to Resolution No. 6 (2011), duly adopted at its meeting held on February 28, 2011, Mr. Mullings’s Insurance Plan Participation was extended for an additional month; and

**WHEREAS**, Agency staff has determined that, as a retiree, Mr. Mullings would be entitled to Insurance Plan Participation, provided that he paid 40% of the cost of premiums payable by the Agency for such participation, and the Agency paid 60% of the cost of premiums payable for such participation (“Retiree Insurance Plan Participation”); and

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**WHEREAS**, Agency staff has recommended that the Members continue Mr. Mullings's Insurance Plan Participation for an additional month (the "Staff Recommendation"); and

**WHEREAS**, the Members wish to authorize and adopt the Staff Recommendation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members authorize and adopt the Staff Recommendation, and be it further

**RESOLVED**, that the Acting Executive Director or any other officer of the Agency is hereby authorized to execute such instruments and take such other action as may be necessary to effectuate the foregoing.

Upon the resolution of Mr. Weitzman, duly seconded by Mr. Caines, the resolution was unanimously adopted.

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**Election of Officers**

The Members elected Mr. Bailey as Chair of the Agency, Mr. Greisheimer as Vice Chair of the Agency, Mr. Caines as Secretary, Mr. Hyman as Assistant Secretary, and Mr. Gioia as Treasurer.

**Adjournment**

Upon the motion of Mr. Bailey, seconded by Mr. Caines, the Members of the Agency, by unanimous vote, adjourned the meeting at 8:57 p.m.